

Senate Bill 440

By: Senators Hamrick of the 30th, Harp of the 29th, Kemp of the 46th, Shafer of the 48th and Schaefer of the 50th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 eliminate the Construction Reserve Trust Fund and the appropriation of lottery funds to the
3 fund; to eliminate the use of lottery funds for teacher training in computers and technology;
4 to eliminate the use of lottery funds by the board of regents for training professors and
5 instructors in computers and technology; to eliminate the use of lottery funds by the
6 Department of Technical and Adult Education for training teachers in computers and
7 technology; to amend Code Section 50-27-3 of the Official Code of Georgia Annotated,
8 relating to definitions regarding the lottery for education, so as to provide that the term
9 "educational purposes and programs" shall not include capital outlay projects for educational
10 facilities and teacher training in computers and technology; to provide for related matters; to
11 provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
15 striking Code Section 20-1-8, relating to placement of lottery funds into the Construction
16 Reserve Trust Fund, and inserting in lieu thereof the following:

17 "20-1-8.

18 ~~Any lottery funds appropriated for purposes of new capital construction shall be placed in~~
19 ~~a Construction Reserve Trust Fund to be maintained by the appropriate fiscal officers of~~
20 ~~state government. Funds so placed in the Construction Reserve Trust Fund shall be deemed~~
21 ~~to be committed for educational purposes and programs in compliance with subsection (d)~~
22 ~~of Code Section 50-27-13. Any such funds must be designated by project by the appropriate~~
23 ~~educational agency no later than June 30 of the fiscal year for which the funds were~~
24 ~~appropriated. Any such funds must be contractually obligated no later than June 30 of the~~
25 ~~fiscal year following the fiscal year for which the funds were appropriated. Any funds not~~

~~designated or contractually obligated within such time periods shall lapse; and additionally any funds not expended as originally designated and obligated within 24 months after the close of the fiscal year for which such funds were originally appropriated shall lapse. Any funds so lapsing shall lapse to the general fund of the state treasury and shall be credited to the Lottery for Education Account. Reserved."~~

SECTION 2.

Said title is further amended by striking Code Section 20-2-252, relating to electronic technology, and inserting in lieu thereof the following:

"20-2-252.

(a) Local school systems shall develop long-term system-wide electronic technology plans which list assessed needs; describe the planned phasing in of the computer hardware, software, and related electronic technology necessary to address the assessed needs; and contain such other items as the State Board of Education may deem necessary for an effective electronic technology plan. The state board shall adopt a long-term state-wide electronic technology plan which is reflective of needs identified state wide and the priorities and planned actions designed to address such needs. The state board shall prescribe the method and frequency by which such electronic technology plans shall be updated.

(b) The State Board of Education shall grant funds to local units of administration to be used to purchase computer hardware, software, and related electronic technology and to finance the costs of staff development programs pertaining to the use and application of computers and related electronic technology in educational programs and services, subject to appropriation by the General Assembly. The amount of funds granted to any local school system shall be based upon the extent of need as reflected in its electronic technology plan, the consistency of such need with the priorities established by the state board's state-wide plan, and such other considerations as deemed necessary by the state board. The amount of local funds required may be based upon the ability of a local school system to pay a share of the cost relative to the ability of other local school systems in the state to pay their share of such cost. Such local funds shall be in excess of the local funds required for the local five mill share pursuant to Code Section 20-2-164 and in excess of the local funds required as a portion of the costs for other grant programs authorized under this article.

(c) The State Board of Education shall evaluate hardware and software, disseminate effective software, provide technical assistance and staff development training to local units of administration, and perform such other related functions as deemed necessary by the state board.

(d) The State Board of Education shall prescribe criteria, policies, and standards deemed necessary for the effective implementation of this Code section and shall take all actions deemed necessary to facilitate the adoption and effective utilization of computers and related electronic technology in improvement of the operations of educational programs and services in the state.

~~(e) The State Board of Education shall prescribe criteria, policies, and standards deemed necessary for the effective implementation of a program financed wholly or partially from appropriations from the Lottery for Education Account and established for the purpose of providing teachers the necessary training in the use and application of computers and advanced electronic instructional technology to implement interactive learning environments in the classroom and to access the state-wide distance learning network. The State Board of Education shall expend funds appropriated for such purpose to defray the costs associated with repairing and maintaining advanced electronic instructional technology."~~

SECTION 3.

Said title is further amended by repealing Code Section 20-3-77.1, relating to training programs for professors and instructors in computers and advanced electronic instructional technology, which reads as follows:

"20-3-77.1.

The board of regents shall prescribe criteria, policies, and standards deemed necessary for the effective implementation of programs within the university system financed wholly or partially from appropriations from the Lottery for Education Account and established for the purpose of providing professors and instructors the necessary training in the use and application of computers and advanced electronic instructional technology to implement interactive learning environments in the classroom and to access the state-wide distance learning network. Such programs shall include the expenditure of funds to defray the costs associated with repairing and maintaining advanced electronic instructional technology."

SECTION 4.

Said title is further amended in Code Section 20-4-11, relating to the powers of the State Board of Technical and Adult Education, by striking paragraph (9), and inserting in lieu thereof the following:

~~"(9) Prescribe criteria, policies, and standards deemed necessary for the effective implementation of a program financed wholly or partially from appropriations from the Lottery for Education Account and established for the purpose of providing teachers the necessary training in the use and application of computers and advanced electronic~~

~~instructional technology to implement interactive learning environments in the classroom and to access the state-wide distance learning network. Such program shall include the expenditure of funds appropriated for such purpose to defray the costs associated with repairing and maintaining advanced electronic instructional technology~~ Reserved;"

SECTION 5.

Code Section 50-27-3 of the Official Code of Georgia Annotated, relating to definitions regarding the lottery for education, is amended by striking paragraph (8), and inserting in lieu thereof the following:

"(8) 'Educational purposes and programs' means ~~capital outlay projects for educational facilities;~~ tuition grants, scholarships, or loans to citizens of this state to enable such citizens to attend colleges and universities located within this state, regardless of whether such colleges and universities are owned or operated by the board of regents or to attend institutions operated under the authority of the Department of Technical and Adult Education; ~~costs of providing to teachers at accredited public institutions who teach levels K-12, personnel at public postsecondary technical institutes under the authority of the Department of Technical and Adult Education, and professors and instructors within the University System of Georgia the necessary training in the use and application of computers and advanced electronic instructional technology to implement interactive learning environments in the classroom and to access the state-wide distance learning network; costs associated with repairing and maintaining advanced electronic instructional technology;~~ voluntary pre-kindergarten; and an education shortfall reserve."

SECTION 6.

This Act shall become effective January 1, 2007, only if there is approved at the 2006 general election a constitutional amendment to protect lottery funds so that they may be reserved only for the HOPE Scholarship Program and other tuition grants, scholarships, or loans to enable citizens of this state to attend colleges and universities within this state; for voluntary pre-kindergarten; and for educational shortfall reserves. If such constitutional amendment is not so ratified at the 2006 general election, this Act shall not become effective and shall stand repealed in its entirety on January 1, 2007.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.